

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRENDA FLOYD,)
Plaintiff,) Civil Action No. 06-1033
v.)
Honor able Terrence F. McVerry
VERIZON and METROPOLITAN LIFE)
INSURANCE COMPANY,) Magistrate Judge Lisa Pupo Lenihan
Defendants.)

SCEDULING ORDER

AND NOW this 7th day of November, 2006 it is Hereby Ordered and Decreed as follows:

1. The parties shall mutually agree upon an orthopedic physician to examine the plaintiff to render an opinion as to whether the plaintiff remains totally disabled from an orthopedic standpoint.
2. The physician will examine the plaintiff and submit a report to counsel containing his or her findings and conclusions.
3. The physician's report will be incorporated into the administrative record for consideration with the plaintiff's administrative appeal of the termination of her disability pension.
4. The examination of the plaintiff will be completed no later than December 31, 2006 and the report of the examination will be submitted no later than January 14, 2007.
5. The defendant will then make a decision on the plaintiff's administrative appeal, taking into account the report of the examining physician. Such decision shall be made, if possible, no later than February 15, 2007. To the extent defendant's benefit review committee needs additional time based on the contents of the IME report, the parties shall seek further scheduling direction from the court.

6. Should the examining physician conclude that the plaintiff's disability ceased from an orthopedic standpoint, plaintiff retains all her rights to challenge the outcome of the administrative appeal in Federal Court through the above captioned action.
7. The Court will schedule a status conference in February 2007 to discuss with counsel the content of a second scheduling order if the case has not been resolved by the time of the status conference.
8. Counsel, by their electronic signatures below, consent to the entry of this Order.



United States Magistrate Judge
Lisa Pupo Lenihan
U.S. Magistrate Judge